

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH

MICHAEL DATA, DARLENE DATA,  
EXECUTRIX OF THE ESTATE OF  
MICHAEL DATA, DECEASED, AND  
DARLENE DATA IN HER OWN RIGHT;

Plaintiffs,

vs.

JOY GLOBAL UNDERGROUND  
MINING, LLC, *et al.*

Defendants,

2:19-CV-00879-MJH

**Memorandum Order**

This case was referred to Chief United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A) and (B), and Rule 72 of the Local Rules for Magistrate Judges. On January 7, 2022, Judge Eddy issued a Report and Recommendation (ECF No. 1195) recommending Joy Global Underground Mining's Motion for Summary Judgment (ECF No. 1041) be granted in part with respect to Plaintiff's claim that Mr. Data was exposed to asbestos by virtue of his proximity to the Joy air compressor and denied in part with respect to Plaintiff's claim that Mr. Data was exposed to asbestos related to his hands-on maintenance of the Joy air compressor.

The parties were informed that written objections to the Report and Recommendation were due by January 21, 2022. No parties filed objections. Following *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:


Judge Eddy's Report and Recommendation (ECF No. 1195) will be adopted as the Opinion of the Court.

Joy's Motion for Summary Judgment is granted in part with respect to Plaintiff's claim that Mr. Data was exposed to asbestos by virtue of his proximity to the Joy air compressor and denied in part with respect to Plaintiff's claim that Mr. Data was exposed to asbestos related to his hands-on maintenance of the Joy air compressor.

This case will be referred to Chief Magistrate Judge Eddy with regard to the remaining defendants and remaining claims.

DATED this 25<sup>th</sup> day of January, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Marilyn J. Horan", is written over a horizontal line.

MARILYN J. HORAN  
United States District Judge